

# MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD

## SALE OF A DEVELOPMENT EASEMENT APPLICATION

### Property Identification:

Record Owners: \_\_\_\_\_

Municipality: \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address (if different from above): \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: \_\_\_\_\_

**Total Acreage:** \_\_\_\_\_ **Source** (tax map, deed, survey, etc.): \_\_\_\_\_

Documentation to verify above:

1. **Copy of deed** - If applicants are not named on the deed, all paperwork showing the right of the applicant to submit this must be attached (will, death certificate, corporate resolution, purchase contract, etc.)
2. **Tax bill(s)** - A requirement to apply to sell a development easement is that the property must qualify for farmland assessment
3. **Copy of Farmland Assessment Application** - Application from most recent year
4. If land to be preserved is 10 acres or less, please include proof that annual production value exceeds \$2,500 (e.g. previous tax year receipts and tax forms)

### Current Use:

1. List and describe ALL structures located on the property – using a separate sheet of paper if necessary. Include their uses, approximate size, and tax lot if different. If any structure is officially considered historic, please note it so.

For housing, indicate type (i.e. single family, dormitory, manufactured housing, apartments, etc.) and square footage of lived-in area (excluding garages, unfinished attics and unfinished basements). Identify the source of the square footage information (tax assessor, building plans, self-measurement, etc...).

Structure 1.

Structure 2.

Structure 3, etc.

2. Describe all current agricultural enterprises occurring on the property. Note the primary farm operation (i.e. field crop, nursery, dairy, etc.)
3. Please identify the appropriate Standard Industrial Classification (S.I.C.) Codes from the list on page 6:
4. Describe the type and extent of any non-agricultural business activities or events occurring on the property (i.e. beauty shop, craft shop, public gatherings, etc.). Include area (in square feet) and frequency of use. If leasing is involved, identify the lease holder.
5. **On a tax map**, sketch the location of structures listed in question 1 above:

**Other Information:**

1. Total acreage to be considered for preservation: \_\_\_\_\_ If less than the total acreage from page 1, explain why below:

Exception(s) requested: No: \_\_\_\_\_ Acres for each: \_\_\_\_\_

Show exception(s) location with approximate dimensions on a tax map. Explain below why the exception(s) is requested:

Q. 1. Continued:

2. Identify the percentage land use of the acreage under consideration for easement purchase using your FA-1:

Home site	_____ %
Cropland harvested	_____ %
Cropland pastured	_____ %
Permanent pasture	_____ %
Woodland	_____ %
 Total	 _____ 100%

3. Is the farm enrolled in an 8-year Farmland Preservation Program? \_\_\_\_\_

Date enrolled: \_\_\_\_\_

4. Is there a Farm Conservation Plan established with Natural Resources Conservation Service (formerly Soil Conservation Service)? Y/N: \_\_\_\_\_ Date filed: \_\_\_\_\_

5. Is the premises served by public sewer? \_\_\_\_\_ Yes \_\_\_\_\_ No  
Is the premises served by public water? \_\_\_\_\_ Yes \_\_\_\_\_ No

6. Has a subdivision been pursued for the property? Y/N: \_\_\_\_\_  
Status of subdivision request: \_\_\_\_\_

If yes, explain why subdivision was pursued and **attach copy of resolution(s) and plans** supporting status:

7. List liens, easements, and/or rights-of-way that exist on the premises with the name, address, and phone number of the holder (including underground utilities):

Note: Lien holders must be notified of this application and grant permission to proceed with negotiations involving the sale of a development easement. This preliminary

commitment is NOT a final subordination of all rights. Lien holders not familiar with this program are encouraged to call the office for information. Please be aware that letter(s) of approval will be needed to complete the purchase.

Regarding public utility easements, the applicant shall note if any exist. The Board will determine if the easement holder should be notified or if a waiver should be granted.

8. Other information you think should be brought to the attention of the MCADB in order for them to adequately consider this application (attach as needed):

9. Certification:

I (We) certify that all information contained in this Application for the Sale of a Development Easement and its Addenda is complete, accurate and true.

_____ Applicant	_____ Date
_____ Applicant	_____ Date

**Applicant Contact Information:**

1. Name, address, and phone numbers (Home, Bus., Cell) of each of the applicants. If business relationship exists between applicants, indicate type (e.g. partnership, multi-proprietor, corporate officer).

2. Attorney, tax advisor, and other professionals associated with this application:

## STATEMENT OF UNDERSTANDING

I (we), \_\_\_\_\_, certify that I (we) are legally capable of making an application to sell a development easement and understand the ramifications of the sale of a development easement on my (our) property, identified more specifically as \_\_\_\_\_.

Specifically, I (we) understand that:

1. The easement is in perpetuity and runs with the land;
2. The easement prohibits all non-agricultural development on the land;
3. The property can be sold as a unit at any time without consulting the Mercer County Agricultural Development Board or the State Agriculture Development Committee;
4. The easement may be divided; however, any proposed division of the easement, even along pre-existing tax lot lines, must be reviewed and approved by both the Mercer County Agricultural Development Board and the State Agriculture Development Committee;
5. Any change made to the premises prior to purchase of an easement may void eligibility to sell the easement;
6. The total purchase price is based on the acreage determined by survey and excludes areas of future road widening right-of-way, streams along the property boundary, and the amount designated as the value of each Residual Dwelling Site Opportunity (if any) and Exception;
7. Non-agricultural uses located on the premises at the time of application, if properly noted on the application, may be continued but cannot be expanded or changed regardless of a change in ownership;
8. Deposition and mining of the land (sand, gravel, rock, etc.) is prohibited;
9. Dumping of trash or waste materials is prohibited unless recognized by the Mercer County Agricultural Development Board and the State Agriculture Development Committee as an agricultural management practice;
10. Within one year of the purchase of a development easement, landowner must obtain a farm conservation plan approved by the local soil conservation district;
11. There is no public access granted with the deed of easement; however, the Mercer County Agricultural Development Board and the State Agriculture Development Committee staff are permitted reasonable access for inspection purposes;

12. Certain income-producing recreational activities may be allowed, however, golf courses and athletic fields are expressly prohibited;

13. Residual Dwelling Site Opportunities (RDSOs) may be granted by the Mercer County Agricultural Development Board; the RDSOs may be limited to a specific lot if the application consists of multiple lots; RDSOs may be exercised only for an agricultural purpose and only after review and approval by the Mercer County Agricultural Development Board and the State Agriculture Development Committee;

14. New building for agricultural purposes is allowed;

15. In the event of any violation of the deed of easement, restoration of the premises to its prior easement-approved condition is the responsibility of the landowner;

16. I (We) understand the competitive nature of the final State selection process which may necessitate a percentage reduction from the per acre certified value for the farm. I (We) recognize and accept the principal that below-value negotiations may be an option to consider in order to accomplish my (our) purchase. Additional information regarding state-wide ranking, the State selection formula and past year's trends will be provided to facilitate this decision in the event that the farm is selected by the Mercer County Agricultural Development Board.

17. This Statement of Understanding is not intended to set forth all restrictions, terms and provisions of the Deed of Easement which is attached.

18. I (We) have been advised to obtain legal counsel.

Dated: \_\_\_\_\_ Applicant\_\_\_\_\_

Dated: \_\_\_\_\_ Applicant\_\_\_\_\_

## Standard Industrial Classification (S.I.C.) Codes for Current Use (question 3, page 2)

0111	Wheat - Cash Grain Farms
0115	Corn - Cash Grain Farms
0116	Soybeans - Cash Grain Farms
0119	Cash Grain nec
0134	Irish Potatoes - Field Crop Farms
0139	Field Crop Farms Except Cash Grains
0161	Vegetable and Melon Farms
0171	Berry Farms
0172	Grape Farms
0173	Tree Nut Farms
0175	Deciduous Tree Fruit Farms
0179	Fruit and Tree Nut Farms nec
0181	Ornament Nursery Products
0182	Food Crops Grown Undercover
0189	Horticulture Specialties
0191	Farms General - Primary Crops
0191	A General Farming nec
0211	Beef Cattle Feedlots
0212	Beef Cattle Except Feedlots
0213	Hogs
0214	Sheep and Goats
0219	General Livestock nec
0241	Dairy Farms
0251	Fowls, Broilers and Fryers
0252	Chicken Eggs
0253	Turkeys and Turkey Eggs
0254	Poultry Hatcheries
0259	Poultry and Eggs nec
0271	Fur-bearing Animals and Rabbits
0272	Horse and Other Equine
0279	Animal Specialties nec
0279A	Fish Farms
0279B	Bee Farms
0291	General Farm Livestock

(nec = not elsewhere classified)